

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CHRISTOPHER WRIGHT,

Plaintiff,

v.

Civil Action 2:23-cv-1024

Judge Michael H. Watson

Magistrate Judge Chelsey M. Vascura

SUGAR CREEK PACKING CO., *et al.*,

Defendants.

REPORT AND RECOMMENDATION

This matter is before the undersigned for a Report and Recommendation on the Court's July 14, 2023 Show Cause Order (ECF No. 7). For the reasons that follow, it is

RECOMMENDED that Plaintiff's claims be **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41(b) for failure to prosecute and Federal Rule of Civil Procedure 4(m) for failure to effect service.

On July 14, 2023, the Court ordered Plaintiff to show cause as to (1) why the Court should not dismiss his claims against Defendant Harry LNU without prejudice for failure to effect service and why the Court should allow an extension of time to effect service; and (2) why the Court should not dismiss his claims against Defendant Sugar Creek for want of prosecution. (ECF No. 7.) The Court advised that Plaintiff's failure to show cause may result in dismissal of his claims against Sugar Creek for failure to prosecute. (*Id.*)

To date, Plaintiff has not responded to the Show Cause Order. Nor has he moved to amend the Complaint to substitute the real name of Harry LNU, effected service upon the same,

or applied for an entry of default against Sugar Creek. It is therefore **RECOMMENDED** that Plaintiff's claims be dismissed without prejudice pursuant to Rules 41(b) for failure to prosecute and Rule 4(m) for failure to effect service.

PROCEDURE ON OBJECTIONS

If any party objects to this Report and Recommendation, that party may, within fourteen (14) days of the date of this Report, file and serve on all parties written objections to those specific proposed findings or recommendations to which objection is made, together with supporting authority for the objection(s). A Judge of this Court shall make a *de novo* determination of those portions of the Report or specified proposed findings or recommendations to which objection is made. Upon proper objections, a Judge of this Court may accept, reject, or modify, in whole or in part, the findings or recommendations made herein, may receive further evidence or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are specifically advised that failure to object to the Report and Recommendation will result in a waiver of the right to have the District Judge review the Report and Recommendation *de novo*, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).

IT IS SO ORDERED.

/s/ Chelsey M. Vascura
CHELSEY M. VASCURA
UNITED STATES MAGISTRATE JUDGE